

LANGFORD & LANGFORD, A PLC

Michael S. Langford; SBN 125756
1502 North Broadway
Santa Ana, California 92706
Tel: (714) 953-9700; Fax: (714) 953-9797

GIGLIOTTI & GIGLIOTTI

Joseph J. Gigliotti, SBN 144979
434 East Chapman Ave
Fullerton, California 92832
(714) 879-1712 (714) 879-3439 Fax

WALSH & WALSH, PC

Michael J. Walsh; SBN 155401
420 Exchange, Suite 270
Irvine, California 92602
Tel: (714) 544-6609; Fax: (714) 544-6621

GINEZ, STEINMETZ & ASSOCIATES

Rudy Ginez, Jr., SBN 84978
926 North Flower Street
Santa Ana, California 92703
Tel: (714) 541-2251 Fax: (714) 541-5807

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KATHLEEN MORRISON et al,

Plaintiffs,

vs.

BIMBO BAKERIES, U.S.A., INC., and
DOES 1 through 100, inclusive,

Defendants.

Case No.: C 07-03156 JCS

**DECLINATION TO PROCEED BEFORE
A MAGISTRATE JUDGE AND
REQUEST FOR REASSIGNMENT TO A
UNITED STATES DISTRICT JUDGE**

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT

JUDGE:

The undersigned party in the above-captioned civil matter hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Court Judge.

Further, the court should be aware that this matter is the subject of a pending and unopposed motion to consolidate this matter with Leonard v. Bimbo Bakeries, U.S.A. Case Number C 05 00829 JW (HRL) currently pending in the San Jose Division. The Motion for Consolidation is currently set for hearing on August 6, 2007 at 9:00 a.m. in Court Room 8, 4th floor, 280 S. 1st Street, San Jose, Ca.

Dated: July 17, 2007

GIGLIOTTI & GIGLIOTTI

_____/s/_____
JOSEPH J. GIGLIOTTI
Attorney for the Plaintiffs

PROOF OF SERVICE

I am, and at all times mentioned herein was, an active member of the State Bar of California and not a party to the within action. My business address is 434 East Chapman Ave., Fullerton, Ca 92832.

On July 17, 2007, I served the foregoing document(s): **DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE** by placing [] the original [XX] a copy thereof in a sealed envelope addressed as follows:

Wendy M. Lazerson, Esq.
Bingham McCutchen LLP
1900 University Avenue
East Palo Alto, Ca 94303-2223

() BY FACSIMILE TRANSMISSION: I transmitted the aforementioned documents by facsimile transmission to: Listed Above

(XX) BY MAIL: I deposited such envelope in the mail at Fullerton, California. The envelope was mailed with postage thereon fully prepaid.

() BY PERSONAL SERVICE I delivered said document by hand to .

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day at Fullerton, California, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____ /s/ _____
Joseph J. Gigliotti